

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ON TRACK INNOVATIONS LTD., :
an Israeli company :
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Plaintiff and Counterclaim-Defendant, : Case No. 12-CV-2224-AJN-JCF
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v. :
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T-MOBILE USA, INC., :
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Defendant and Counterclaimant. :
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JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to the scheduling order entered by the Court in this Action (Doc. 14), Plaintiff On Track Innovations Ltd. (“OTI”) and Defendant T-Mobile USA, Inc. (“T-Mobile”) hereby submit the below joint claim construction statement setting forth their respective proposed interpretations of the claim terms identified for construction:

	Claim term	OTI proposed construction	T-Mobile proposed construction
A	Claim 1: “A . . . card having contact and contactless modes of operation”	<p>The preamble is not a limitation.</p> <p><i>If the preamble is a limitation, it should be construed as follows:</i></p> <p>a device, which may be a standalone module or integrated with other hardware which may or may not be portable, that allows communication in contact and contactless modes of operation.</p>	<p>The preamble is a limitation and should be construed as follows:</p> <p>a card has a mode of operation wherein electrical contacts on the card directly and electrically contact electrical contacts of a card reader to effect data communication, and the card has a mode of operation wherein an antenna in the card effects contactless data communication with a</p>

	Claim term	OTI proposed construction	T-Mobile proposed construction
			remote reader.
B	Claim 1: “a semiconductor device for operating in said contact and contactless modes”	<p>“Contact mode” means a mode of operation in which data is exchanged with the semiconductor device via the contact field using a contact data communications protocol.</p> <p>“Contactless mode” means a mode of operation, responsive to an electromagnetic field across the antenna coil, in which data is exchanged with the semiconductor device via an antenna interface using a contactless data communications protocol.</p>	Ordinary meaning, but under <i>O2 Micro Int’l Ltd. v. Beyond Innovation Tech. Co.</i> , 521 F.3d 1351 (Fed. Cir. 2008) needs to be construed: a semiconductor device for operating during the contact mode of operation of the card (as that term is construed in A above) and for operating during the contactless mode of operation of the card (as that term is construed in A above).
C	Claim 1: “a contact field”	<p>The term “contact field” has its plain and ordinary meaning and requires no interpretation.</p> <p><i>In the alternative</i>, if interpretation is required, it means a set of galvanic connections with a semiconductor device.</p>	a plurality of contacts on which respective card reader contacts can rest.
D	Claim 1: “allowing data transmission between the contacts and the semiconductor device in accordance with said contact data communications protocol only during said contact mode”	<p>allowing data transmission between the contacts and the semiconductor device via a contact-data input/output port only for contact mode, in which data is exchanged in accordance with a contact data communications protocol (and not for data exchanged in contactless mode).</p> <p>The contact data communications protocol is different from the contactless data communications protocol.</p>	data transmission is permitted between the contacts and the semiconductor device in accordance with the contact data communications protocol during the contact mode of operation of the card, and data transmission is not permitted between the contacts and the semiconductor device during the contactless mode of operation of the card.

	Claim term	OTI proposed construction	T-Mobile proposed construction
E	<p>Claim 1: “at least some”</p> <p>(“an antenna interface coupled... to <i>at least some</i> of the contacts in the contact field”)</p>	<p>more than one</p> <p>(“an antenna interface coupled... to <i>more than one</i> of the contacts in the contact field”)</p>	<p>an indeterminate number that includes all</p> <p>(“an antenna interface coupled... to <i>an indeterminate number that includes all</i> of the contacts in the contact field”)</p>

Dated: November 26, 2012

/s/ Guy Yonay

Guy Yonay (GY-3028)
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